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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,494	11/19/2001	Alex P. Weaver	WEAVER.PT1	5181

7590 10/15/2003
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EXAMINER

GARCIA, ERNESTO

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 10/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/997,494

Applicant(s)

WEAVER, ALEX P.

Examiner

Ernesto Garcia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 28 July 2003 is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- ☐ Interview Summary (PTO-413) Paper No(s). _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings were received on 7/28/03. These drawings are not acceptable for the reasons below.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "1" has been used to designate both a first member having square edged corners and first member having rounded edged corners; and, "12" and "13" having been used to respectively designate both a "square-edged corners and "rounded-edged corners".

The drawings are objected to because there are no references that indicate which are the tabletop edges as recited in claim 9. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1, 9, 10, 15 and 16 are objected to because of the following informalities:

regarding claim 1, --mortise-- should be inserted after the second occurrence of "first" in line 22;

regarding claim 10, --mortise-- should be inserted after the second occurrence of "first" in line 2;

regarding claims 9 and 15, the limitation --, the joint-- should be inserted before "comprising" in line 2, "first member" in line 7 should read --table leg--; and,

regarding claim 16, --mortise-- should be inserted after the first occurrence of "first" in line 3. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9, 12-15, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Corson, 6,283,564 (see marked-up attachment).

Regarding claim 9, Corson 1 discloses in Figure 8 a double locking mortise joint comprising one or more table leg 100 and a tabletop edge 30. The leg 100 has a first

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mortise **90**, a first contact surface **A7**, and a second contact surface **A8**. The first mortise **90** is generally perpendicularly with respect to an axis **A3** of the leg **100**. The first mortise **90** has a gusset top **A4**, a head bottom **A5** and a first mortise end **A9**. The gusset top **A4** extends generally perpendicularly outwardly with respect to the axis **A3**. The head bottom **A5** is opposite to and generally parallel to the gusset top **A4**. The head bottom **A5** is not longer in length than the gusset top **A4** (the lengths are the same). The first mortise end **A9** is generally parallel to the axis **A3** and connects the gusset top **A4** and the head bottom **A5**. The second contact surface **A8** is next to the first mortise end **A9**. The first contact surface **A7** and the second contact surface **A8** are next to the first mortise end **A9**.

The tabletop edge **30** has a second mortise **90**, a top surface **A13**, and a bottom surface **A14**. The second mortise **90** has two opposing sides **A11** being generally parallel to each other. The second mortise end **A12** connects the opposing sides **A11**. The top surface **A13** and the bottom surface **A14** are next to the second mortise end **A12**. The leg **100** and the tabletop edge **30** are rigidly and snugly yet removably joined together at the first mortise **90** and the second mortise **90** by fitting the gusset top **A4** and the head bottom **A5** between the opposing sides **A11** of the second mortise **90**. The head bottom **A5** extends onto the top surface **A13**. The gusset top **A4** extends onto the bottom surface **A14**. The opposing sides **A11** extend onto the first contact surface **A7** and the second contact surface **A8**. The one joint support a tabletop without

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any further supporting structural members or pieces existing below a horizontal plane, which lies at the joining of the first mortise and the second mortise.

Regarding claims 12 and 18, the leg **100** has a height longer than both a width **A18** and a depth **A19** of the leg **100** combined.

Regarding claims 13 and 19, the leg **100** further comprises an inner side **A20** and an outer side **A21**. The inner side **A20** and the outer side **A21** are substantially parallel to each other.

Regarding claims 14 and 20, the inner side **A20** and the outer side **A21** have a same curvature. Applicant is reminded that the curvature is zero degrees.

Regarding claim 15, Corson 1 discloses in Figures 1 and 8 a double locking mortise joint comprising one table leg **100** and a tabletop edge **30**. The leg **100** has a first mortise **90**, a first contact surface **A7**, and a second contact surface **A8**. The first mortise **90** is generally perpendicularly with respect to an axis **A3** of the leg **100**. The first mortise **90** has a gusset top **A4**, a head bottom **A5** and a first mortise end **A9**. The gusset top **A4** extends generally perpendicularly outward with respect to the axis **A3**. The head bottom **A5** is opposite to and generally parallel to the gusset top **A4**. The first mortise end **A9** is generally parallel to the axis **A3** and connects the gusset top **A4** and the head bottom **A5**. The second contact surface **A8** is next to the first mortise end **A9**.

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The first contact surface **A7** and the second contact surface **A8** are next to the first mortise end **A9**.

The tabletop edge **30** has a second mortise **90**, a top surface **A13**, and a bottom surface **A14**. The second mortise **90** has two opposing sides **A11** being generally parallel to each other. The second mortise end **A12** connects the opposing sides **A11**. The top surface **A13** and the bottom surface **A14** are next to the second mortise end **A12**. The leg **100** and the tabletop edge **30** are rigidly and snugly yet removably joined together at the first mortise **90** and the second mortise **90** by fitting the gusset top **A4** and the head bottom **A5** between the opposing sides **A11** of the second mortise **90**. The head bottom **A5** extends onto the top surface **A13**. The gusset top **A4** extends onto the bottom surface **A14**. The opposing sides **A11** extend onto the first contact surface **A7** and the second contact surface **A8**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5-8, 10, 11, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corson, 6,283,564, in view of Grisley, 5,711,356.

Regarding claim 1, Corson 1 discloses in Figure 8 a double locking mortise joint comprising first member **100** and a second member **30**. The first member **100** has a first mortise **90**, a first contact surface **A7**, and a second contact surface **A8**. The first mortise **90** is generally perpendicularly with respect to an axis **A3** of the first member **100**. The first mortise **90** has a gusset top **A4**, a head bottom **A5** and a first mortise end **A9**. The gusset top **A4** extends generally perpendicularly outwardly with respect to the axis **A3**. The head bottom **A5** is opposite to and generally parallel to the gusset top **A4**. The first mortise end **A9** is generally parallel to the axis **A3** and connects the gusset top **A4** and the head bottom **A5**. The second contact surface **A8** is next to the first mortise end **A9**. The first contact surface **A7** and the second contact surface **A8** are next to the first mortise end **A9**.

The second member **30** has a second mortise **90**, a top surface **A13**, and a bottom surface **A14**. The second mortise **90** has two opposing sides **A11** being generally parallel to each other. The second mortise end **A12** connects the opposing sides **A11**. The top surface **A13** and the bottom surface **A14** are next to the second mortise end **A12**. The first member **100** and the second member **30** are rigidly and snugly yet removably joined together at the first mortise **90** and the second mortise **90** by fitting the gusset top **A4** and the head bottom **A5** between the opposing sides **A11** of

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the second mortise **90**. The head bottom **A5** extends onto the top surface **A13**. The gusset top **A4** extends onto the bottom surface **A14**. The opposing sides **A11** extend onto the first contact surface **A7** and the second contact surface **A8**.

The first mortise further comprises a first mortise corner and a second mortise corner. The first mortise corner is located between the first mortise end **A9** and the head bottom **A5**. The second mortise corner is located between the first mortise end **A9** and the gusset top **A4**. However, at least one of the two mortise corners is not rounded. Grisley teaches between Figures 9b and 9c at least one of two mortise corners is rounded as part of a design choice. Therefore, as taught by Grisley, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make at least one of the two mortise corners being rounded instead of being square-edged.

Regarding claim 2, the head bottom **A5** is not longer in length than the gusset top **A4** (the lengths are the same).

Regarding claim 6, the first member **100** is a table leg and the second member **30** is a corner **A200** of a tabletop.

Regarding claim 7, the leg **100** further comprises an inner side **A20** and an outer side **A21**. The inner side **A20** and the outer side **A21** are substantially parallel to each other.

Regarding claim 8, the inner side **A20** and the outer side **A21** have a same curvature. Applicant is reminded that the curvature is zero degrees.

Regarding claims 10 and 16, the first mortise further comprises a first mortise corner and a second mortise corner. The first mortise corner is located between the first mortise end and the head bottom. The second mortise corner is located between the first mortise end and the gusset top, and at least one of the two mortise corners is not rounded. Grisley teaches between Figures 9b and 9c at least one of two mortise corners is rounded as part of a design choice. Therefore, as taught by Grisley, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make at least one of the two mortise corners being rounded instead of being square-edged.

Regarding claims 5, 11 and 17, Grisley teaches both of the two mortise corners are rounded (Fig. 9c).

Response to Arguments

Applicant's arguments with respect to claims 1, 2 and 5-8 have been considered but are moot in view of the new ground(s) of rejection.

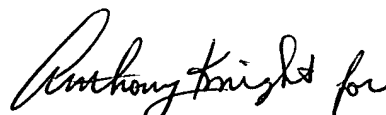
Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 703-308-8606. The examiner can normally be reached from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.


Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3600

E.G.

October 9, 2003

Attachment: one marked-up copy of Corson, 6,283,564.

Anthony Knight
Supervisory Patent Examiner
Group 3600